

NOT ONE HAYWOOD JUROR YET

TALESMEN GIVE MANY EXCUSES, BUT SICK WIVES ARE THE BEST.

One Hundred Bearded Farmers Came to Court, but All Went to Get Back to Their Crops—Son of Murdered Governor in Court—A Hint of the Evidence.

Boise, Idaho, May 13.—Not a juror has been chosen for the Haywood murder trial.

When Sheriff Shad Hodgins declared court open at 2 o'clock this afternoon the court room was pretty well filled with the talesmen and his deputies had rounded up from all over the county since last Thursday. There were a few business men from Boise, but the great majority were farmers, ranchers and fruit growers from the rural districts.

The whiskers told the story—the whiskers and the dust. Some of the farmers had come in on the afternoon train, but most of them had ridden in on their ponies and were dustier than millers.

The order of the court had authorized Sheriff Hodgins to summon "all the good and law-abiding persons" and the crowd in the court room looked as if he had done it, for there is no doubt whatever that Shad knows a good and law-abiding person when he sees one.

A farmer friend of Deputy Sheriff Ras Beemer rode into town a little ahead of the rest of the farmers, galloped up to the jail and hunted Ras up in the Sheriff's office.

"Consign you, Ras," he shouted, "you had me summoned just for spite." With that he grabbed Ras by the collar and rolled him around the office a few times, while the big deputy roared with laughter.

"Now," said the irate farmer, as he finally let Ras go, "I'm going for a doctor's certificate."

With that he rushed out of the office, leaped upon his horse and disappeared in a cloud of dust. Ras laughed for half an hour.

As soon as Judge Fremont Wood took the bench a deputy brought Haywood up from his cell down stairs. The accused labor leader dragged a spittoon out from under his chair, shoved a roll of paper on it as if it was a baby's fist into his mouth and settled down for the afternoon.

Judge Wood opened proceedings by asking if any of the talesmen had legal excuses for not serving. About thirty of them thought they had and proceeded to give them. A sick wife was the most popular excuse and it generally went with high success. It was notable that few but Anglo-Saxon names were on the list.

Of the thirty men who pleaded excuses, twenty-four got off, leaving seventy-six of the panel for examination by counsel.

Peter Kuster stepped up when his name was called and stood twirling his dusty hat nervously while the Judge asked him what was his claim for exemption.

"My wife is very low," Judge Wood told the court, "and she won't allow no one in the room but me."

That got him off promptly. C. R. Shaw had two excuses, but they did not do him much good. The first was that he had been sick at home; the second that he was about to go away on a business trip. Judge Wood pointed out the inconsistency and wouldn't let him go.

Farmer John Hudson of Star told the Judge that he was in very poor health. Asked for particulars, he said he had had a headache for five years. It was promptly agreed that a jury box was no place for Farmer John.

N. Lawrence, bent of shoulders and white of hair, said that he was just 73. "What's your physical condition," inquired the Judge.

"Tain't so good's it used to be," responded Lawrence modestly. He got off, too, and exhaled solemnly away in his new home.

"My wife's sick," said Farmer George Edwards, "and I'm troubled with kidney trouble." Farmer Edwards was excused.

The excuses all in, Ellsworth Lister, who farms in Star, and who had been in the "Davis county, Iowa," was first to the bar. He declared that he was a well known carpenter, and was permitted to return to his fertile fields.

Not so with Walter Shaw, who also works on a farm in the same neighborhood. The prosecution speedily passed him and Lawyer Richardson for the defense took him in.

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The Gorham Co.
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Some Unusual Advantages

IN GORHAM Solid Silver Spoons and Forks are offered these unusual advantages: An obvious superiority which has made Gorham Tableware the most widely used make in the world; the choice of more than a score of exclusive patented designs, always matchable; the option of purchasing singly, in sets, or in chests containing any assortment desired; prices no higher than those of less famous and less worthy productions.

An Indication of the Moderate Prices

Tea Spoons.....\$3.75 upward	Dinner Forks.....\$23.00 upward
Dessert Spoons.....16.00 upward	Dessert Forks.....16.00 upward
Table Spoons.....24.00 upward	Chest containing 20 pieces. \$31

And other articles in proportion.

Downtown Branch, 23 Maiden Lane

LABOR PROBLEMS URGENT.

Bishop Potter Wants the Entire Church to Take Them Up Vigorously.

The annual convention of the Church Association for the Advancement of Labor, of which Bishop Potter is president, was held yesterday in the synod hall of the Cathedral of St. John the Divine. About fifty delegates attended. Bishop Potter delivered addresses at the morning and the evening sessions.

At the morning session he said he was going down to Richmond next October to attend the general convention of the Episcopal Church with the intention of urging the entire body of the Church to take up the prosecution of this work with more vigor.

"Down in Richmond," said the Bishop, "we shall probably devote a good deal of time to the settling of disputes and to the passage of some small laws and canons directed toward the curing of some of the ills of the Church."

The Bishop wanted to know what it mattered if there were a frisky Bishop or two in a few large dioceses when the labor questions are crying for settlement. This is a time, he said, when all the world should be turning its attention to these problems.

In the Bishop's opinion it is a mistake to suppose that the evils in the world of capital and labor can be remedied by legislation.

Resolutions were adopted complimenting Senator Page on the stand he had taken in Albany for labor legislation, recommending that the delegates to the Richmond convention be charged to do their utmost to see that the child labor laws in every State are enforced, and asking for the opinion of the convention that manufacturing of all kinds ought to be prohibited in living rooms in Greater New York.

Among the speakers, besides Bishop Potter, were Dr. A. S. Daniel, the Rev. F. J. C. Moran and the Rev. Thomas H. Sill.

EIGHT HOUR DAY DECISION.

Which Saves the Government From Revising Plans for Important Work.

WASHINGTON, May 13.—By sustaining the validity of the Federal law limiting to eight hours a day the employment of laborers and mechanics by contractors on Government works, but coupling with it the finding that the law did not apply to the employees of dredges, the Supreme Court today settled a question that has for two months prevented the War Department from awarding \$1,000,000 of contracts authorized by the last River and Harbor Appropriation act.

The estimates and appropriations for the various improvements were made on the basis of the prior construction of the law that dredge boat employees were not included in its limitations, but the Federal Court in Boston, in six test cases brought against the Eastern and the Bay State Dredging companies for violating the law in connection with dredging operations in the thirty-five foot channel in Boston harbor, held that these employees were included, and if that decision had stood a rearrangement of the specifications would have been necessary.

The Department estimated that the cost of dredging would have been nearly double and a curtailment of the work would have been necessary to come within the limit of the appropriations. The War Department will now go on with the river and harbor contracts, and the Department will drop the hundred or more cases for alleged violations that were awaiting the outcome of the test cases.

It appeared the talesman did know that the lawyer was moved to inquire: "You know George Steenberg is dead, I suppose?"

He thought he could try a Democrat as fairly as a Republican and he would not believe in hanging a man just because he was a Socialist.

Mr. Richardson tried in every possible way to get some statement from Farmer John that would disqualify him, but in vain. The talesman told him about the men who were being tried he'd like to be tried by men who were in his frame of mind, and the defense was widely known to him.

The only way they can get rid of him now is to challenge him peremptorily.

That finished the day's doings. Before adjournment Judge Wood announced that until the jury was obtained the Court would sit daily from 10 to 12 and from 2 to 4:30 o'clock.

An interested spectator in court this afternoon was Julian Steenberg, the son of the murdered ex-governor. He is a bright, intelligent young man, about perhaps 22 years old. He came in after court opened and took a seat not fifteen feet from the man who is accused of plotting his father's death.

At him with his one good eye, and thereafter took no notice of him. The young man will be a witness in the case.

The defendant's crippled wife and their two daughters were again in court.

From the character of many of the witnesses called by the defense it is apparent that the history of the labor troubles in the Cour d'Alenes in the late '90s will be gone into thoroughly. These troubles were accompanied by riots and violence, which Governor Steenberg's action alone brought to an end, and evidence regarding them will be admissible before the jury to show that the motive behind the murder was that of revenge.

Steamship Line Between New York and Greece.

WASHINGTON, May 13.—John B. Jackson, American Minister to Greece, has reported to the State Department that an effort is being made in that country to establish a direct steamship line between Greece and the United States. The Government at Athens has approved the plans of the steamship company, and the representative of the company has been sent to New York.

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CAN'T DESTROY FORESTS.

Decision of the Supreme Court Affecting Copper Smelters.

WASHINGTON, May 13.—The Supreme Court today held that the State of Georgia had a right to protect its forests and that the Tennessee Copper Company and the Ducktown Sulphur and Iron Company could be enjoined from so conducting their smelting works on the Tennessee side of the line as to destroy the forests and vegetation in Georgia.

The court gives the State of Georgia until the meeting of the court next October to submit the form of a decree it wishes to enjoin the operation of the smelters as at present conducted. The two companies, however, it is said, are installing a plant that will condense the sulphurous fumes and will probably render the smoke unnecessary by that time. The principle decided, however, is an important one, affecting all copper smelters, and particularly one in which a large smelter in California is concerned.

The Tennessee Copper Company and the Ducktown Sulphur and Iron Company are largely owned by Standard Oil interests. Henry H. Rogers and Adolph Lewisohn are large stockholders in both concerns.

The litigation has been pending for a year and a half, 6,000 briefs having been submitted altogether. Martin H. Vogel, counsel for the companies, said yesterday that while the two concerns would not be affected, because they are constructing plants to condense the fumes, the decision is sweeping and might, if taken as a precedent and rigidly enforced, put copper smelting in Georgia and elsewhere in the West. There is little demand for sulphuric acid in the West, he said, but a good market for it in the South.

The Tennessee Copper Company and the Ducktown Sulphur and Iron Company fought the case on constitutional grounds, arguing that the State of Georgia had no right to bring suit where individual citizens alone were concerned.

INTER-URBS REFUSAL.

Formally Turns Down R. T. Board's Proposition for New Subways.

The Interborough-Metropolitan Company has refused to consider the proposition made by the Rapid Transit Commission that in return for the right to add to the number of the tracks on the Second and Third avenues, the company should agree to build at its own expense the Seventh and Eighth and the Lexington avenue subway extensions. The company's decision was sent to the commission yesterday in a letter written by President Theodore P. Shonts.

Mr. Shonts referred to his letter of April 24, in which he stated that the company could not bid for the subways as planned because it could not under this contract earn the interest on money necessary to be invested in the subways.

We cannot avoid regarding the present proposition of the Rapid Transit Commission as tantamount to a refusal to negotiate under the terms of my letter of April 24, 1907, because if the full interest on the bonds issued to finance the subways is to be earned, the company could not earn on securities issued by a private corporation whose credit would not measure with that of the city.

We refer to the decision on the part of your board, as we realize the pressing necessity for additional facilities and recognize the moral obligation resting on us as lessees of the present subway to do all in our power to provide such facilities and therefore believed when we wrote my previous communication, and still believe, that no fair proposition can be asked of us than our offer as set forth in that letter, to complete the existing rapid transit system so that there shall be, as originally planned by your board, two complete longitudinal lines, one upon the East side and the other upon the West side of the city, without any prospect of profit, provided the cost of construction can be brought within the city's borrowing capacity, and provided the terms of the contract are such that we may reasonably expect the earnings from these additional subways to be sufficient to cover the interest and sinking fund upon the bonds of the city issued for their cost, a proper annual charge for depreciation, and a reserve fund for the property which the city may take over at an appraised value at the end of the twenty years lease, and interest upon our additional investment for which city bonds would not be issued.

Mr. Shonts also gave out the copy of a communication he had sent to Edward P. Hatch, chairman of the Rapid Transit Committee of the Retail Dry Goods Association. The letter said that the attitude of the Interborough-Metropolitan Company had taken in refusing to bid for the new subways was well based. For the purpose of publicly proving this, Mr. Shonts invited the association to make a thorough investigation of the books and records of the company and of the reports of its engineers.

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ODELL HAD A LITTLE GAME

WANTED TO RETIRE WOODRUFF, BUT HADN'T THE VOTES.

If the Hughes Presidential Resolution Had Gone Through Like the Indorsement of the Hughes Policies the Next Week Would Have Called for a New State Chairman.

One of the well kept secrets of the Republican State committee meeting on Saturday came out yesterday. It was told by those in the confidence of B. B. Odell, Jr., and Col. George W. Dunn. Hidden in his inside coat pocket on Saturday Mr. Odell had a prepared resolution which called for the resignation of Timothy L. Woodruff as chairman of the State committee. Mr. Odell learned on Friday night that Mr. Woodruff had prepared an address to the committee which included the "formal expression" that Gov. Hughes's public utilities bill should be indorsed by the committee. That was all. Mr. Odell consulted with Col. Dunn at the Fifth Avenue Hotel and three resolutions were prepared and tucked away in Mr. Odell's pocket. The first called upon the State committee to go further in indorsing Gov. Hughes's utilities bill and added the indorsement of a constitutional reorganization of the Senate districts of the entire State, the New York City Mayorality recount bill and the betterment of the primary and election laws. The second resolution called for the indorsement of Gov. Hughes for President next year. The third resolution called for Mr. Woodruff's resignation as chairman of the State committee.

Mr. Odell won with his first resolution and was beaten overwhelmingly on his second; but if he had won with his second resolution, that which called for the indorsement of Gov. Hughes for President, he was to have introduced his third resolution, calling for Mr. Woodruff's resignation on the ground that Mr. Woodruff in his "formal expression" for the public utilities bill was not in complete sympathy with Gov. Hughes's policies in that he ignored the remaining measures to which Gov. Hughes has given public assent.

Had Mr. Odell carried the day it was his purpose to elect Col. Dunn to his old place as chairman of the State committee, and this would have been a resounding victory for the latest Platt-Odell alliance.

As the result proved, Mr. Odell for his share of the alliance was able to muster two votes other than his own, while the Platt end of the alliance was represented by one vote, Col. Dunn's.

Mr. Woodruff's speech made State chairman by President Roosevelt and the President's friends on the committee, some of whom remarked yesterday with gratification passages in Gov. Hughes's speech in Brooklyn Saturday night wherein the Governor lauded the Republican party and the "brilliant leadership of Theodore Roosevelt."

It is known that New York Republicans not friendly to the President endeavored to dislodge Mr. Hughes from the Governor-elect, from accepting President Roosevelt's invitation to dinner in the White House, urging that Mr. Hughes should, throughout his administration at Albany, go it alone, as the President by his methods and policies was bound eventually to become unpopular with his party associates. Mr. Hughes, however, accepted the President's invitation, his friends believing that any other course would be tantamount to a refusal to negotiate under the terms of my letter of April 24, 1907, because if the full interest on the bonds issued to finance the subways is to be earned, the company could not earn on securities issued by a private corporation whose credit would not measure with that of the city.

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